

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

In re:

KRIS DANIEL ROGLIERI,

Debtor,

Chapter 11
Subchapter V
Case No. 24-10157

**JOINDER OF ER TENNESSEE IN UNITED STATES TRUSTEE’S
MOTION TO CONVERT OR DISMISS CASE**

Creditor ER Tennessee, LLC (“*ER Tennessee*”) herein files this joinder to the United States Trustee’s Motion to Convert or Dismiss this case (docket #119) (the “*Motion*”) and states as follows:

1. ER Tennessee supports the Motion for all of the reasons set for in the Motion itself.
2. ER Tennessee also supports the Motion for the reasons described in the Adversary Complaint filed by the Receiver (docket # 117).
3. ER Tennessee further supports the Motion based on its experience with, and claim against, Debtor based on his actions in defrauding ER Tennessee.
4. Specifically, as ER Tennessee described in its Complaint filed and currently pending in Supreme Court of the State of New York, County of New York, styled *ER Tennessee LLC v. Prime Capital Ventures, LLC et al.*, Index No. 650231/2024. Debtor’s shell company, Prime Capital Ventures, LLC, duped ER Tennessee into providing a \$15,000,000 loan by, among other things, promising that those funds would be held in a “locked pledged account” and only be used for a very few, prescribed reasons. However, despite those representations, within mere days of receiving the payment, Debtor, through Prime, stole the money, routed it to a different bank, and then sent payment to others, which are the classic acts of a Ponzi schemer.
5. Debtor’s repeated fraudulent acts are themselves sufficient reason to convert or dismiss the matter.

6. Regardless, as described by the Trustee and the Receiver, Debtor will not be able to “reorganize.” He has presented no legitimate plan to reorganize and there is no legitimate business to reorganize.

7. Accordingly, this case should be converted to a Chapter 7 proceeding so a trustee can be appointed to liquidate Debtor’s non-exempt assets in an orderly fashion.

WHEREFORE, ER Tennessee LLC respectfully requests that this Honorable Court grant the Motion and convert this case to a Chapter 7 proceeding, as well as such other and further relief this Court deems just and proper.

Dated: May 8, 2024

/s/ Joseph P. Lombardo
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Counsel for ER Tennessee LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 8, 2024, a copy of the foregoing **Joinder of ER Tennessee in United States Trustee's Motion to Convert or Dismiss Case** was filed through the Court's ECF system and will be sent electronically to the registered participants. Interested parties may access this filing through the Court's system.

By /s/ Joseph P. Lombardo